

11 a cutting member tensioning device including a screw adjustably attaching
12 the first set of returns and the second set of returns for adjusting a distance between
13 the first set of returns and the second set of returns for tensioning the cutting
14 member.

1 8. (Twice Amended) A cutting head assembly comprising:
2 a cutting head including a first head member, a second head member
3 connected to the first head member, a first set of returns connected to the first head
4 member adjustably opposing a second set of returns connected to the second head
5 member;

6 a cutting member formed of a strip of material including a first end, a second
7 end, a longitudinal axis and a width, the cutting member including a serpentine
8 configuration, the cutting member positioned about the first set of returns and the
9 second set of returns, [the tensionable] a leg of the cutting member extending
10 across an aperture formed through the cutting head, the first end and the second
11 end of the cutting member secured to the cutting head; and

12 a cutting member tensioning device including a pair of screws, each of the
13 pair of screws including a longitudinal axis oriented along a plane substantially
14 parallel to a longitudinal axis of the leg of the tensionable cutting member extending
15 across the aperture[.] and each of the pair of screws adjustably attaching the first
16 [set of returns]head member and the second [set of returns]head member for
17 adjusting a distance between the first set of returns and the second set of returns for
18 tensioning the cutting member along a plane substantially parallel to the longitudinal
19 axis of each of the pair of screws.

REMARKS

1. The Examiner has objected to Claims 1 - 7 because of the following
informalities: in claim 1, line 8, it seems that the comma "," after "first set of returns"
should be deleted for clarity. Appropriate correction is required. Appropriate

correction has been made. No new matter has been added. Applicant respectfully requests that this basis for objection be withdrawn.

2. The Examiner has rejected Claims 1-10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner asserts as follows:

- a) In claim 1, line 10, "the tensionable cutting member" lacks positive antecedent basis.
- b) In claim 8, line 11, "the tensionable cutting member" lacks positive antecedent basis.

Applicant has amended Claims 1 and 8 to correct the lack of positive antecedent basis. No new matter has been added. Applicant respectfully requests that this basis for rejection be withdrawn.

3. The Examiner has rejected Claims 1 - 10 under 35 U.S.C. §103(a) which forms as being unpatentable over Popeil, 3,112,781 (hereafter Popeil '781), in view of Boos, 690,512. The Examiner asserts that Popeil '781 discloses a cutting assembly with almost every structural limitation of the claimed invention including a serpentine blade (e.g., 50), and first and second opposing sets of returns (e.g., 48). The Examiner acknowledges that Popeil lacks the first and second set of returns adjustable relative to one another. The Examiner further acknowledges that Popeil lacks a cutting member tensioning device.

The Examiner asserts that Boos discloses a cutting assembly with a blade securing structure wherein the blade includes a bend which is removably engaged with a first return (e.g., 10) and a second return (e.g., 12) that adjustably oppose one another, and a tensioning device in the form of a screw (e.g., 13).

It is also the Examiner's position that it is old and well known in the art to provide such securing structure for various known reasons including to secure a blade into a mounted/assembled position and to make assembly of the blade onto the device easier by enabling the blade to be positioned, and then tightened into

position for use thereof. Evidence of such assembly/disassembly operation, the Examiner contends, is explicitly taught by Boos (see page 2, lines 10 -12).

Therefore, the Examiner concludes, it would have been obvious to one having ordinary skill in the art to provide the movable return and the screw of Boos for each of the returns on one side or both sides of the cutter assembly of Popeil '781) for the reasons known in the art and as taught by Boos including those described above.

Applicant respectfully submits that the rejection should be withdraw for the following reasons:

- a) A prima facia grounds for rejection of Claim Claims 1 - 10 under 35 U.S.C. §103(a) as being unpatentable over *Popeil* in view of *Boos* does not exist in light of Applicant's amendments.
- b) The teachings of *Boos* and *Popeil* have been misconstrued.
- c) There is no motivation for combining the teachings of *Popeil* with *Boos*. Pre-stressing of the blade taught by *Popeil* negates or teaches away from further tensioning the blade in the blade holder.
- d) *Boos* teaches specific and securing structure to secure a blade into a mounted/assembled position and then tightening the blade in position for use, *Boos* does not teach the structure or the manner of the present invention for mounting, assembling or tensioning a blade on an assembly.

1) A prima facia grounds for rejection of Claim Claims 1 - 10 under 35 U.S.C. §103(a) as being unpatentable over *Popeil* in view of *Boos* does not exist in light of Applicant's amendments for the reasons discussed in greater detail below. Applicant respectfully submits that rejection of Claims 1 - 10 under 35 U.S.C. §103(a) be withdrawn.

- 2) The teaching of *Boos* has been misconstrued.

Boos teaches a looped or continuous blade positioned about a pair of opposing studs one of which includes a "loose sliding block" portion which may be

distanced from the adjacent stud by insertion of a screw between the loose sliding block and the stud.

Boos teaches tensioning a blade by splitting a single return to increase the distance between the bearing faces of opposing returns. As screw 13 advances between fixed portion 11 and sliding block 12, the tapered shoulder of screw 13 wedges against sliding block 12 angling sliding block 12 away from fixed portion 11 tensioning the blade. Boos relies on a wedge or tapered member to increase the distance between fixed portion 11 and sliding block 12 of a single return, the result is that the uppermost edge of sliding block 12 is effectively angled out against the uppermost edge of blade 9 or 10 in order to tension the blade creating a stress riser at the point of contact. The effect is that the uppermost portion of the blade is placed under a greater tension than the lower edge resulting in an uneven tension across the blade. The device will not tension a blade in a manner wherein the substantially equal tensile forces are established across the width of the blade.

Examining pending Claim 1 as amended we see that what is claimed is a cutting head assembly comprising:

a cutting head including a first set of returns and a second set of returns, the first set of returns adjustably attached to and opposing the second set of returns;

a cutting member formed of a strip of material including a first end, a second end and a width, the cutting member including a serpentine configuration, the cutting member positioned about the first set of returns and the second set of returns, a leg of the cutting member extending across an aperture formed through the cutting head, the first end and the second end of the cutting member secured to the cutting head; and

a cutting member tensioning device including a screw adjustably attaching the first set of returns and the second set of returns, the screw including a longitudinal axis oriented along a plane substantially parallel to a longitudinal axis of the leg of the cutting member extending across

the aperture for adjusting a distance between the first set of returns and the second set of returns for tensioning the cutting member.

Boos does not teach a first return adjustably attached to and opposing a second return. *Boos* teaches a first stud opposing a second stud, the first stud including a sliding block and a screw having a tapered shoulder insertable between the first stud and the sliding block to increase the distance between the first stud and the sliding block.

Boos does not teach a cutting member tensioning device including a screw adjustably attaching the first set of returns and the second set of returns. *Boos* teaches a screw having a tapered shoulder insertable between the first stud and the sliding block.

Boos does not teach a cutting member tensioning device including a screw having a longitudinal axis oriented along a plane substantially parallel to a longitudinal axis of the leg of the cutting member. *Boos* teaches a screw having a longitudinal axis oriented along a plane substantially perpendicular to a longitudinal axis of the leg of the cutting member.

Boos does not teach adjusting a distance between the first set of returns and the second set of returns for tensioning the cutting member. *Boos* teaches increasing a distance between the first stud and the sliding block by insertion of a tapered screw between the first stud and the sliding block.

Similarly, examining pending Claim 8 as amended we see that what is claimed is a cutting head assembly comprising:

a cutting head including a first head member, a second head member connected to the first head member, a first set of returns connected to the first head member adjustably opposing a second set of returns connected to the second head member;

a cutting member formed of a strip of material including a first end, a second end, a longitudinal axis and a width, the cutting member including a serpentine configuration, the cutting member positioned about

the first set of returns and the second set of returns, a leg of the cutting member extending across an aperture formed through the cutting head, the first end and the second end of the cutting member secured to the cutting head; and

a cutting member tensioning device including a pair of screws, each of the pair of screws including a longitudinal axis oriented along a plane substantially parallel to a longitudinal axis of the leg of the tensionable cutting member extending across the aperture and each of the pair of screws adjustably attaching the first head member and the second set of returns for adjusting a distance between the first set of returns and the second head member for tensioning the cutting member along a plane substantially parallel to the longitudinal axis of each of the pair of screws.

Boos does not teach a cutting head including a first head member adjustably opposing a second head member. *Boos* teaches a unitary knife frame including studs formed at the periphery of an aperture of the frame.

Boos does not teach a cutting member tensioning device including a pair of screws including a longitudinal axis oriented along a plane substantially parallel to a longitudinal axis of the leg of the tensionable cutting member extending across the aperture. *Boos* teaches a screw having a longitudinal axis oriented along a plane substantially perpendicular to a longitudinal axis of the leg of the cutting member

Boos does not teach adjusting a distance between a first head member and a second head member for tensioning the cutting member. *Boos* teaches increasing a distance between the first stud and the sliding block by insertion of a tapered screw between the first stud and the sliding block.

Insofar as the Examiner misconstrues *Boos*, the Examiner has failed to establish *prima facia* grounds for rejection of Claim Claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over *Popeil* in view of *Boos*. Applicant respectfully submits that rejection of Claims 1-10 under 35 U.S.C. §103(a) be withdrawn.

3) There is no motivation for combining the teachings of *Popeil* with *Boos*. *Popeil* teaches a cutting device including an untensioned pre-stressed blade. *Popeil* does not teach or suggest tensioning the blade. Pre-stressing of the blade taught by *Popeil* negates or teaches away from further tensioning the blade in the blade holder. There is no motivation for combining the teachings of *Popeil* with *Boos*. *Popeil* teaches as follows:

The blades must be prestressed prior to securing in place. . . . It will be realized that a blade . . . will be prestressed within a range of 125,000 #/in.² to 250,000 #/in.² . . . If the blades are not sufficiently prestressed, jamming occurs and the force required to cut the foodstuffs becomes excessive.

Popeil, ('781), col. 7, ln. 59 – 65.

Not only does *Popeil* NOT provide a motivation for combination with a tensioning member incorporated with the head or frame, *Popeil* actually teaches away from stressing the blade on the assembly as *Popeil* teaches “prestressing”, i.e. stressing the blades BEFORE they are placed on the head.

Insofar as there exists no motivation for the prescribed combination of *Popeil* and *Boos*, Applicant respectfully submits that rejection of Claims 1-10 under 35 U.S.C. §103(a) be withdrawn.

4) The Examiner has taken Official Notice that it is old and well known in the art to provide securing structure for various known reasons including to secure a blade into a mounted/assembled position and to make assembly of the blade onto the device easier by enabling the blade to be positioned, and then tightened into position for use thereof. The Examiner asserts that evidence of such assembly/disassembly operation is explicitly taught by *Boos* (see page 2, lines 10-12). Beginning at page 2, lines 8 – 12 of *Boos* reads as follows:

“My invention relates to the culinary art and to machines for preparing vegetables for cooking; and it consists, primarily, in a novel slicing-knife and hopper and plunger coacting therewith to slice potatoes and such ar-“

Applicant respectfully submits that the referenced portion of Boos fails to establish that it is old and well known in the art to provide securing structure for various known reasons including to secure a blade into a mounted/assembled position and to make assembly of the blade onto the device easier by enabling the blade to be positioned, and then tightened into position for use thereof.

5) Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.



Joseph W. Holland
Reg. No. 38,919
(208) 336-1234

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on:

JUNE 3, 2002
Date: 06/03/02
Signature: Maggie Deeds
Printed Name: MAGGIE DEEDS

In re Application of: Raliegh J. Jensen
Serial number: 09/826,452
Filed: 04/04/01

Group Art Unit: 3724
Examiner: C. Dexter
Title: Tensive Cutting Assembly

Amended Claim 1 Incorporating Amendments

- Sub C 17*
- A 1*
1. A cutting head assembly comprising:
 - a cutting head including a first set of returns and a second set of returns,
 - the first set of returns adjustably opposing the second set of returns;
 - a cutting member formed of a strip of material including a first end, a second end and a width, the cutting member including a serpentine configuration,
 - the cutting member positioned about the first set of returns and the second set of returns the cutting member extending across an aperture formed through the cutting head, the first end and the second end of the cutting member secured to the cutting head; and
 - a cutting member tensioning device including a screw adjustably attaching the first set of returns and the second set of returns for adjusting a distance between the first set of returns and the second set of returns for tensioning the cutting member.

Amended Claim 8 Incorporating Amendments

8. A cutting head assembly comprising:

a cutting head including a first head member, a second head member connected to the first head member, a first set of returns connected to the first head member adjustably opposing a second set of returns connected to the second head member;

a cutting member formed of a strip of material including a first end, a second end, a longitudinal axis and a width, the cutting member including a serpentine configuration, the cutting member positioned about the first set of returns and the second set of returns, a leg of the cutting member extending across an aperture formed through the cutting head, the first end and the second end of the cutting member secured to the cutting head; and

a cutting member tensioning device including a pair of screws, each of the pair of screws including a longitudinal axis oriented along a plane substantially parallel to a longitudinal axis of the leg of the tensionable cutting member extending across the aperture and each of the pair of screws adjustably attaching the first head member and the second head member for adjusting a distance between the first set of returns and the second head member for tensioning the cutting member along a plane substantially parallel to the longitudinal axis of each of the pair of screws.